

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Docket No. 13160US03**

In the Application of:	)	<b><u>Electronically Filed on April 19, 2007</u></b>
	)	
Wang	)	
	)	
Serial No.: 09/824,491	)	
	)	
Filed: April 2, 2001	)	
	)	
For: Method for Generating Transform Rules	)	
for Web-Based Markup Languages	)	
	)	
Examiner: Basehoar, Adam L.	)	
	)	
Group Art Unit: 2178	)	
	)	
Confirmation No.: 9379	)	

**REVISED BRIEF ON APPEAL**

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Revised Appeal Brief is in response to the Notification of Non-Compliant Appeal Brief mailed on April 13, 2007 (the “Notication”), which indicates that the Summary of Claimed Subject Matter does not adequately map the independent claims. The Applicants note that 37 CFR 41.37(c)(1)(v) does **not** require the Applicant to “map the independent claims to the specification.” Instead, this section states the following:

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under

the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

*See* 37 CFR 41.37(c)(1)(v). There is nothing in this section that states that the independent claims must be “mapped.” Nevertheless, the Applicant has mapped the independent claim as requested in the Notification.

The Applicant respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of claims 1-22 of the present application. The Applicants note that this Brief on Appeal is timely because it is being filed within one month of October 3, 2005, which was the mailing date of the Notice of Panel Decision from Pre-Appeal Brief Review.

**REAL PARTY IN INTEREST**  
**(37 C.F.R. § 41.37(c)(1)(i))**

The real party in interest is AdaptView, Inc., assignee of the present application, a California company having a place of business at 48531 Warm Spring Blvd., Ste. 407, Fremont, California 94539.

**RELATED APPEALS AND INTERFERENCES**  
**(37 C.F.R. § 41.37(c)(1)(ii))**

Not applicable.

**STATUS OF THE CLAIMS**  
**(37 C.F.R. § 41.37(c)(1)(iii))**

The present application originally included 22 claims.<sup>1</sup> Claims 1-22 are pending and remain rejected. The Applicants identify claims 1-22 as the claims that are being appealed. The text of the pending claims is provided in the Claims Appendix.

**STATUS OF AMENDMENTS**  
**(37 C.F.R. § 41.37(c)(1)(iv))**

Subsequent to the final rejection of claims 1-22 mailed June 3, 2005, the Applicants filed a Response Under 37 C.F.R. § 1.116.<sup>2</sup> The Response, however, did not amend any of the pending claims.<sup>3</sup>

**SUMMARY OF CLAIMED SUBJECT MATTER**  
**(37 C.F.R. § 41.37(c)(1)(v))**

Embodiments of the present invention provide an efficient and useful method for generating transform rules for existing web pages for display and use with a multitude of Internet appliances, such as PCs, mobile phones, PDAs, and television set-top boxes.<sup>4</sup> A graphical editor is provided that allows a designer to lay out device-specific web pages based upon original web pages that might comprise a web site.<sup>5</sup> The editor uses a method to generate transform rules for the device at the end of editing, based upon the user actions.<sup>6</sup> When certain web pages are requested,

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<sup>1</sup> See Present Application ("Application") at pages 31-33.

<sup>2</sup> July 8, 2005 Response Under 37 C.F.R. § 1.116.

<sup>3</sup> See *id.*

<sup>4</sup> Application at page 3, lines 5-7.

<sup>5</sup> *Id.* at page 3, lines 7-9.

<sup>6</sup> *Id.* at page 3, lines 9-10.

the pages are transformed dynamically with the generated set of rules and displayed on the requesting device in a format intended by the designers.<sup>7</sup>

The method of generating the transform rules uses a first frame for displaying the source page of web information from a server device (or the like).<sup>8</sup> A second frame is used for displaying a resulting (or template) page.<sup>9</sup> The information on the source and template page is separated into elements that are identified via attributes including an identifier and path information.<sup>10</sup> Various user actions are performed for moving the elements from the source page to the template page.<sup>11</sup> Buttons can be provided, including Undo, Redo, ViewXSLT, and Finish.<sup>12</sup> The user actions for arranging the elements are recorded onto at least two stacks.<sup>13</sup> These stacks might include, for instance, a "redostack" and an "undostack."<sup>14</sup>

The stacks are thereafter used as a basis for supporting the user actions.<sup>15</sup> In other words, each of the user actions is stored in the stack, and can be used to generate a sequence of instructions for transforming the source page to the resulting page.<sup>16</sup> The sequences are arranged via chains.<sup>17</sup> The generated chains of elements are thereafter used in association with generating a set of transform rules.<sup>18</sup> In the example embodiment, XSLT is provided from the generated

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<sup>7</sup> *Id.* at page 3, lines 10-13.

<sup>8</sup> *Id.* at page 3, lines 14-15.

<sup>9</sup> *Id.* at page 3, lines 15-16.

<sup>10</sup> *Id.* at page 3, lines 16-18.

<sup>11</sup> *Id.* at page 3, lines 18-19.

<sup>12</sup> *Id.* at page 3, line 19.

<sup>13</sup> *Id.* at page 3, line 20.

<sup>14</sup> *Id.* at page 3, lines 20-21.

<sup>15</sup> *Id.* at page 3, line 22.

<sup>16</sup> *Id.* at page 3, lines 22-24.

<sup>17</sup> *Id.* at page 3, lines 24-26.

<sup>18</sup> *Id.* at page 3, lines 26-27.

chains.<sup>19</sup> Thereafter a set of transform rules for the particular source page are generated according to the source page URL, XSLT, and the intended receiving device.<sup>20</sup>

Certain representative user actions might include single keystrokes for performing any of a variety of tasks.<sup>21</sup> These tasks might include: Inserting the source element before the target element (example keystroke of "B"); Inserting the source element after the target element (example keystroke of "A"); Moving the source element to an absolute position (x, y) (example keystroke of "P"); Deleting the source element (example keystroke of "D"); Replacing the target element with the source element (example keystroke of "R"); Changing the attributes of the source element (example keystroke of "T"); Replacing the value of the source element with a new value (example keystroke of "V"); Inserting the source element just after the start tag of the target element (example keystroke of "S"); Inserting the source element just before the end tag element (example keystroke of "E").<sup>22</sup> Again, these actions are performed by a **single** user action, such as a keystroke, but not multiple keystrokes (such as, e.g., "CTRL" and "C" to cut, and "CTRL" and "V" to paste).

**Independent claim 1 recites the following:**

A method for generating a set of transform rules to be used in transforming web-based information from a source page format to a web-enabled receiving device template page format,

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<sup>19</sup> *Id.* at page 3, lines 27-28.

<sup>20</sup> *Id.* at page 3, lines 28-30.

<sup>21</sup> *Id.* at page 4, lines 1-2.

<sup>22</sup> *Id.* at page 4, lines 2-10.

the transformation occurring in response to a request for the web-based information by the receiving device,<sup>23</sup> the method comprising:

displaying the source page and the template page using a graphical user interface;<sup>24</sup>

identifying elements within the information displayed on the source page and the template page;<sup>25</sup>

recording user actions for arranging the elements on the source page and the template page, the user actions being recorded onto at least two stacks, with the at least two stacks recording different user actions; using the at least two stacks as the basis for supporting the user actions;<sup>26</sup>

generating chains of elements from the at least two stacks;<sup>27</sup>

providing XSLT from the generated chains;<sup>28</sup> and

generating the set of transform rules for the source page according to the source page URL, the XSLT, and the receiving device.<sup>29</sup>

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<sup>23</sup> See *id.*, e.g., at page 3, lines 5-7

<sup>24</sup> See *id.*, e.g., at page 3, lines 14-16.

<sup>25</sup> See *id.*, e.g., at page 3, lines 16-19.

<sup>26</sup> See *id.*, e.g., *Id.* at page 3, lines 20-28.

<sup>27</sup> See *id.*, e.g., at page 3, lines 24-27.

<sup>28</sup> See *id.*, e.g., at page 3, lines 27-30.

<sup>29</sup> See *id.*, e.g., at page 3, lines 27-30.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**  
**(37 C.F.R. § 41.37(c)(1)(vi))**

Claims 1-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,278,339 (“Sugiarto”) in view of United States Patent No. 6,430,624 (“Jamtgaard”) and United States Patent No. 5,481,710 (“Keane”).

- I. The References Do Not Teach, Nor Suggest, “Recording User Actions For Arranging The Elements On the Source Page And The Template Page”
- II. The References Do Not Teach, Nor Suggest, “Generating The Set Of Transform Rules For The Source Page According To The Source Page URL”
- III. The References Do Not Teach, Nor Suggest, “Generating The Set Of Transform Rules For The Source Page According To... The XSLT”
- IV. One Having Ordinary Skill In The Art Would Not Be Motivated To Combine The References
- V. The Examiner Failed To Overcome The Applicants’ Traversal Of Official Notice

**ARGUMENT**  
**(37 C.F.R. § 41.37(c)(1)(vii))**

The Examiner has maintained the rejection of claims 1-22 under 35 U.S.C. § 103(a) as being unpatentable over Sugiarto in view of Jamtgaard and Keane. This rejection is improper and should be reversed.

In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure (MPEP) states the following:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion

to make the claimed combination and the reasonable expectation of success must both be found in the prior art.<sup>30</sup>

Additionally, if a *prima facie* case of obviousness is not established, the Applicants are under no obligation to submit evidence of nonobviousness.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.<sup>31</sup>

**I. The References Do Not Teach, Nor Suggest, “Recording User Actions For Arranging The Elements On the Source Page And The Template Page”**

Sugiarto relates to a “system and method for designating and retrieving information over the internet.”<sup>32</sup> In particular, Sugiarto relates to “the customizing of information for retrieval over a computer network.”<sup>33</sup> Through the use of a computer, “each system user may generate any number of configuration files.”<sup>34</sup> “Each of these configuration files specifies what information the user would like to retrieve and how the retrieved information is to be formatted.”<sup>35</sup>

**A. Sugiarto Does Not Teach, Nor Suggest, “Using The At Least Two Stacks As The Basis For Supporting The User Actions”**

The Examiner admits that “Sugiarto does not teach generating XSLT from the generated chains and thus generating the transform rules in part from the XSLT.”<sup>36</sup> The Office Action also admits that “Sugiarto does not teach wherein the user actions [are] recorded on two stacks and

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<sup>30</sup> Manual of Patent Examining Procedure MPEP at § 2142.

<sup>31</sup> See *id.*

<sup>32</sup> Sugiarto at Abstract.

<sup>33</sup> *Id.* at column 1, lines 8-10.

<sup>34</sup> *Id.* at column 4, lines 15-17.

<sup>35</sup> *Id.* at column 4, lines 17-19.



with certain stacks being associated with certain user actions.”<sup>37</sup> Because Sugiarto does not teach “wherein the user actions are recorded **on two stacks**,” as the Office Action admits, it cannot, by definition, teach or suggest, “**using the at least two stacks** as the basis for supporting the user actions,” as recited, for example, in claim 1.

**B. Sugiarto Discloses Saving Portions Of Websites Onto A Single Personalized Screen, But Not “Recording User Actions For Arranging The Elements On The Source Page And The Template Page”**

The Applicants respectfully submit that Sugiarto also does not teach, nor suggest, “recording user actions for arranging the elements on the source page and the template page.” Instead, Sugiarto merely saves portions of websites onto a particular, personalized screen such that a user can configure a home screen that will display information from websites of interest. For example, Sugiarto states the following:

Thus, in this manner, a user **may select various portions of one or more websites to be included in the target screen 570....** Finally, **a user may save an edited configuration file by selecting save button 525**, may exit the configuration screen and return to personal administration page 205a by selecting done button 530, and may obtain help by selecting help button 414.<sup>38</sup>

As noted above, Sugiarto discloses a system in which a user can configure a customized, **personalized screen** that includes relevant portions of websites of interest. Sugiarto, however, does not teach, nor suggest, “recording user actions for arranging the elements on the source page and the template page.” In general, the combination of Sugiarto, Jamtgaard, and Keane does not teach, nor suggest, this limitation. Thus, at least for these reasons, the claims of the present application should be in condition for allowance.

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<sup>36</sup> December 14, 2004 Office Action at page 3 and June 3, 2005 Office Action at pages 3 and 4.

<sup>37</sup> See *id.*

### C. Examiner's Response In Final Office Action

In response to the Applicants' assertion that Sugiarto does not teach or suggest recording user actions for arranging the elements on the source page and the template page, the Examiner states the following:

The examiner respectfully disagrees with the Applicant and believes Sugiarto clearly teaches recording user actions (i.e. user manipulation of elements on the source pages and the template page) (column 6, lines 10-40 & columns 7-8, lines 55-30) (Fig.3).<sup>39</sup>

The Applicants respectfully maintain, however, that Sugiarto does not teach, nor suggest, "recording user actions for arranging the elements on the source page and the template page." Instead, Sugiarto merely **saves** portions of websites onto **a personalized screen** such that a user can configure a home screen that will display information from websites of interest.

As noted above, Sugiarto discloses a system in which a user can configure a customized, personalized screen that includes relevant portions of websites of interest. Again, Sugiarto merely discloses saving portions of websites onto a particular screen such that a user can configure a home screen that will display information from websites of interest, but does not teach or suggest "recording user actions for arranging the elements on the source page and the template page." While a user may "manipulate" a portion of a website to be saved, Sugiarto does not teach or suggest that the various user actions are "recorded for arranging elements on the source page and the template page." Sugiarto does not teach or suggest recording user actions, such as in two stacks, which serve as the basis for supporting unlimited redo/undo tasks. Instead,

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<sup>38</sup> Sugiarto at column 6, lines 22-33 (emphasis added).

<sup>39</sup> June 3, 2005 Office Action at page 7.

as clearly shown above, Sugiarto merely describes saving portions of different websites onto a particular screen. There is **nothing** in the portions of Sugiarto that the Examiner relies on (i.e., column 6, lines 10-40, and column 7, line 55 to column 8, line 30) that teach or suggest “recording user actions for arranging the elements on the source page and the template page,” in order to support unlimited redo/undo tasks.

## **II. The References Do Not Teach, Nor Suggest, “Generating The Set Of Transform Rules For The Source Page According To The Source Page URL”**

The Examiner cites column 5, lines 61-63 of Sugiarto as support for “generating the set of transform rules for the source page according to the source page URL.”<sup>40</sup> The cited portion of Sugiarto recites the following:

[A] user enters a website address in a URL portion 515, and then selects the submit button **in order to access the website** for use.<sup>41</sup>

This passage, however, merely discloses a way of gaining access to a website. That is, as clearly noted above, a user may type in a URL address to gain access to a particular website.

Sugiarto goes on to state the following:

This request is then transmitted from desktop computer system 9, through internet network 4 to system server 2 as shown in FIG. 1. System server 2 then retransmits this request back to internet network 4, and accesses the requested web page. In addition to identifying a web page at URL portion 515, a user may select a particular web page from bookmark section 550.<sup>42</sup>

While Sugiarto discloses a way of gaining access to a website, i.e., typing in a website address in a URL location, there is nothing in Sugiarto that teaches or suggest “generating the set of transform rules for the source page according to the source page URL.” The Examiner has not

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<sup>40</sup> See December 14, 2004 Office Action at page 3, and June 2, 2005 Office Action at page 3.

<sup>41</sup> See Sugiarto at column 5, lines 61-63 (emphasis added).

explained how merely gaining access to a website equates to “generating the set of transform rules for the source page according to the source page URL.” In short, none of Sugiarto, Jamtgaard, or Keane teach this limitation. Thus, at least for this reason, the claims of the present application should be in condition for allowance.

### **III. The References Do Not Teach, Nor Suggest, “Generating The Set Of Transform Rules For The Source Page According To... The XSLT”**

The Examiner cites Jamtgaard column 2, lines 12-17 to overcome Sugiarto’s lack of “generating XSLT from the generated chains and thus generating the transform rules in part from the XSLT.”<sup>43</sup> The cited passage of Jamtgaard states the following:

Comparable languages, such as Extensible Markup Language (XML), a software language designed especially for Web documents, have become much more mature and permit re-formatting of HTML or XML web pages on-the-fly to formats that individual devices can utilize.<sup>44</sup>

This passage merely states that XML permits formatting of HTML or XML web pages to different formats. It does not, however, teach or suggest “generating the set of transform rules for the source page according to... the XSLT.” In sum, while Jamtgaard, the reference the Examiner relies on to overcome Sugiarto’s lack of “generating the set of transform rules for the source page according to... the XSLT,” discloses that XML permits formatting of HTML or XML web pages to different formats, Jamtgaard does not teach or suggest the relevant limitation, i.e., “generating the set of transform rules for the source page according to... the XSLT.”

Further, as noted above, the Examiner admits that “Sugiarto does not teach generating XSLT from the generated chains and thus generating the transform rules in part from the

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<sup>42</sup> *Id.* at column 5, line 63 to column 6, line 3.

<sup>43</sup> See December 14, 2004 Office Action at pages 3-4, and June 3, 2005 Office Action at page 3.

XSLT.”<sup>45</sup> The Applicants respectfully submit that neither Sugiarto, Jamtgaard, nor Keane teach or suggest “generating the set of transform rules for the source page according to... the XSLT,” as recited in claim 1 of the present application. Thus, at least for this reason, the Applicants respectfully submit that the claims of the present application should be in condition for allowance.

#### **IV. One Having Ordinary Skill In The Art Would Not Be Motivated To Combine The References**

“A prior art reference **must** be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.”<sup>46</sup> The Applicants respectfully submit that the attempt to pick and choose isolated elements from Jamtgaard and Keane and shoehorn them into Sugiarto ignores the references in their entireties and is therefore improper. There simply is no suggestion in these references to combine them to arrive at the invention recited in the claims of the present application. For example, there simply is no teaching or suggestion in Sugiarto to combine it with Keane to arrive at “recording user actions onto at least two stacks,” and “using the at least two stacks as the basis for supporting the user actions.” Even if one assumed that the combination did teach the limitations recited in the claims (which the Applicants clearly do not assume), there simply is no motivation to combine these references found within these references.

“In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is **not** whether the differences themselves would have been obvious, but whether

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<sup>44</sup> Jamtgaard, column 2, lines 12-17.

<sup>45</sup> See, e.g., December 14, 2004 Office Action at page 3 (“Sugiarto does not teach generating XSLT from the generated chains and thus generating the transform rules in part from the XSLT.”).

<sup>46</sup> MPEP at 2141.02.

the claimed invention as a whole would have been obvious.”<sup>47</sup> The law is well settled that “obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so.”<sup>48</sup> It is not permissible to pick and choose among the individual elements of assorted prior art references to re-create the claimed invention, but rather “some teaching or suggestion in the references to support their use in the particular claimed combination” is needed.<sup>49</sup>

In *Ex parte Hiyamazi*, the Board of Patent Appeals and Interferences reversed a rejection based on a combination of references, stating, in part:

Under 35 USC § 103, where the Examiner has relied upon the teachings of several references, the test is whether or not the reference viewed individually and collectively would have suggested the claimed invention to the person possessing ordinary skill in the art. Note *In re Kaslow*, 707 F.2d 1366, 107 USPQ 1089 (Fed.Cir. 1983). It is to be noted, however, that citing references which merely indicate the isolated elements and/or features recited in the claims are known is not a sufficient basis for concluding that the combination of claimed references would have been obvious. That is to say, there should be something in the prior art or a convincing line of reasoning in the answer suggesting the desirability of combining the claimed invention. Note *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed.Cir. 1986).<sup>50</sup>

In combining Sugiarto, Jamtgaard, and Keane, the Office Action has merely picked and chosen among isolated, individual elements of separate and distinct references to re-create the

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<sup>47</sup> *Id.*

<sup>48</sup> *ACS Hospital Systems, Inc. v. Montfiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929 (Fed. Cir. 1984).

<sup>49</sup> *Symbol Technologies, Inc. v. Opticon, Inc.* 935 F.2d 1569, 1576, 19 USPQ2d 1241 (Fed. Cir. 1991).

<sup>50</sup> *Ex parte Hiyamazi*, 10 USPQ2d 1393, 1394 (Bd. Pat. App. & Interf. 1988).

Applicants' claimed invention. The Examiner merely cites an isolated element from Keane and summarily concludes that one would be motivated to combine that isolated element into Sugiarto.<sup>51</sup> However, just because a limitation appears in a reference does not mean that a motivation to combine it with another reference exists. While the Examiner offers an unsupported conclusion of a motivation to combine Keane with Sugiarto, it is telling that the Examiner offers absolutely no cite from Keane or Sugiarto in support of this unsupported conclusion.<sup>52</sup>

In short, the Applicants respectfully submit that the Examiner uses the claims of the present application to provide the motivation to combine the references through the use of impermissible hindsight, as the motivation to combine is not contained within the references themselves. There is no teaching or suggestion in these references to support their use in the particular claimed combination. The proposed combination represents "the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed.Cir. 1983). Thus, at least for these reasons, the Applicants respectfully submit that the claims of the present application should be in condition for allowance.

#### **V. Traversal Of Perceived Assertion Of Official Notice With Respect To Claims 16-22**

According to Manual of Patent Examining Procedure, Official Notice, without supporting references, should **only** be asserted when the subjects asserted to be common knowledge are

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<sup>51</sup> See, e.g., June 3, 2005 Office Action at page 8 ("The Keane reference teaches wherein it would have been advantageous to record the user actions on two stacks to support the user actions to provide the well known functionality of undo/redo. Keane teaches that by providing this application program the Sugiarto reference would be provided the benefit of being able to retrace their own user actions through the added redo and undo functionality").

“capable of instant and unquestionable demonstration as being well-known.”<sup>53</sup> That is, the subjects asserted must be of “notorious character.”<sup>54</sup>

The Examiner asserts the following:

[C]laims 16-22 would have been obvious to one of ordinary skill in the art at the time of the invention by what was notoriously well known in the art as keyboard shortcuts such as copy, paste, and cut (i.e. basic word processor functionality such as Microsoft Word 98, which encompassed the equivalent to the drag and drop functionality).<sup>55</sup>

However, the Examiner did not cite references that are relevant to the particular claim limitations recited in claims 16-22. Thus, the Applicants traversed this perceived Official Notice.<sup>56</sup>

In response to the Applicants traversal of the Examiner’s perceived assertion of Official Notice, the Examiner merely cited examples of multiple keystroke copy, paste and cut from Microsoft Word 2000 screenshots.<sup>57</sup> The Examiner, however, did not attempt to explain how each of the examples in the Microsoft Word 2000 screenshots are necessarily performed with **one user action** including a keystroke, such as the single keystroke actions described in the claims and specification of the present application. In fact, the Examiner specifically indicates multiple user actions defined by multiple keystroke actions to perform copy (i.e., CTRL **and** C), paste (i.e., CTRL **and** V), and cut (CTRL **and** X).<sup>58</sup> Thus, the Examiner implicitly concedes that the Microsoft Word 2000 screenshots material does teach **one user action**, such as recited in claims 16-22, that includes “a keystroke” for performing these operations, because the Examiner

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<sup>52</sup> See *Id.*

<sup>53</sup> See MPEP § 2144.03(A)

<sup>54</sup> See *id.*

<sup>55</sup> December 14, 2004 Office Action at page 6.

<sup>56</sup> See March 9, 2005 at pages 11-14.

<sup>57</sup> June 3, 2005 Office Action at page 9



relies on that reference to show multiple keystrokes.

While, the Examiner shows a cutting and pasting operation, the Examiner does not explain how this is performed with **one** user action (e.g., a keystroke). For example, while page 4 of the cited Microsoft document shows a “source element” moved to a different position, there is nothing in the screen shot to lead one to believe that such movement was carried out by **one** user action including a keystroke. On the contrary, the Examiner relies on the Microsoft reference for **multiple** user actions (i.e., pressing CTRL **and** pressing another character). Thus, the Applicants respectfully maintain the traversal of the perceived assertion of Official Notice and submit that the subject matter is not of such “notorious character” that it is “capable of instant and unquestionable demonstration as being well-known.” Thus, the Applicants respectfully request reconsideration of these claim rejections, at least for the reason discussed above.

### CONCLUSION

As discussed above, the Applicant respectfully submits that the pending claims are allowable in all respects. Therefore, the Board is respectfully requested to reverse the rejections of pending claims 1-22.

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<sup>58</sup> *Id.*

## PAYMENT OF FEES

No fee is believed due with respect to this Revised Appeal Brief. **The fee for the Appeal Brief has already been paid.** See October 19, 2005 Appeal Brief. The Commissioner is authorized, however, to charge any necessary fees, to Deposit Account 13-0017.

Respectfully submitted,

Dated: April 19, 2007

/Joseph M. Butscher/  
Joseph M. Butscher  
Registration No. 48,326  
Attorney for Applicant

McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661

**CLAIMS APPENDIX**  
**(37 C.F.R. § 41.37(c)(1)(viii))**

1. A method for generating a set of transform rules to be used in transforming web-based information from a source page format to a web-enabled receiving device template page format, the transformation occurring in response to a request for the web-based information by the receiving device, the method comprising:

displaying the source page and the template page using a graphical user interface;

identifying elements within the information displayed on the source page and the template page;

recording user actions for arranging the elements on the source page and the template page, the user actions being recorded onto at least two stacks, with the at least two stacks recording different user actions; using the at least two stacks as the basis for supporting the user actions;

generating chains of elements from the at least two stacks;

providing XSLT from the generated chains; and

generating the set of transform rules for the source page according to the source page URL, the XSLT, and the receiving device.

2. The method of claim 1, wherein the at least two stacks include a redostack and an undostack.

3. The method of claim 2, wherein the supported user actions include undo and redo actions.

4. The method of claim 1, wherein the chains include at least two kinds including Deleted Chain and Sequence Chain.

5. The method of claim 1, wherein the steps include: providing a user interface that includes two frames displayed in a browser.

6. The method of claim 5, wherein the two frames include a left frame, and the steps include loading the template page onto the left frame.

7. The method of claim 5, wherein the two frames include a right frame, and the steps include loading the source page into the right frame.

8. The method of claim 5, wherein the steps include adding identifier and path information as the attributes of each element in the two pages.

9. The method of claim 5, wherein the user interface further includes the step of providing at least four buttons in the user interface including Undo, Redo, ViewXSLT, and Finish.

10. The method of claim 9, wherein when the user clicks Undo, the steps include canceling the latest action.

11. The method of claim 9, wherein when the user clicks Redo, the steps include restoring the latest Undo action.

12. The method of claim 9, wherein when the user clicks ViewXSLT, the steps include the client session requesting the server session to generate XSLT according to the user actions.

13. The method of claim 9, wherein when the user clicks Finish, the steps include the client session requesting the server session to generate XSLT and RDF for this page.

14. The method of claim 1, wherein one user action includes a keystroke for inserting the source element before the target element.

15. The method of claim 1, wherein one user action includes a keystroke for inserting the source element after the target element.

16. The method of claim 1, wherein one user action includes a keystroke for moving the source element to an absolute x, y position.

17. The method of claim 1, wherein one user action includes a keystroke for deleting the source element.

18. The method of claim 1, wherein one user action includes a keystroke for replacing the target element with the source element.

19. The method of claim 1, wherein one user action includes a keystroke for changing the attributes of the source element.

20. The method of claim 1, wherein one user action include a keystroke for replacing the value of the source element with a new value.

21. The method of claim 1, wherein one user action includes a keystroke for inserting the source element just after the start tag of the target element.

22. The method of claim 1, wherein one user action includes a keystroke for inserting the source element just before the end tag of the target element.

**EVIDENCE APPENDIX**  
**(37 C.F.R. § 41.37(c)(1)(ix))**

- (1) United States Patent No. 6,278,449 (“Sugiarto”), entered into record by Examiner in December 14, 2004 Office Action.
- (2) United States Patent No. 6,430,624 (“Jamtgaard”), entered into record by Examiner in December 14, 2004 Office Action.
- (3) United States Patent No. 5,481,710 (“Keane”), entered into record by Examiner in December 14, 2004 Office Action.
- (4) Microsoft Word 2000 screenshots, 12/31/99, entered into record by Examiner in June 3, 2005 Office Action.

**RELATED PROCEEDINGS APPENDIX**  
**(37 C.F.R. § 41.37(c)(1)(x))**

Not applicable.